

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

In the Matter of the Search Regarding:  
  
20-096-04

Case No. 4:20-mj-76

**AFFIDAVIT IN SUPPORT OF  
SEARCH AND SEIZURE WARRANT  
"REDACTED"**

STATE OF SOUTH DAKOTA)  
:SS  
COUNTY OF MINNEHAHA)

I, Craig Scherer, being duly sworn on oath, depose and say:

**INTRODUCTION**

1. I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) in Sioux Falls, South Dakota and have been duly employed in this position since December 2003. I am a graduate of the Criminal Investigator Training Program and ICE Special Agent Training Program at the Federal Law Enforcement Training Center. I have received specialized training pertaining to conducting criminal investigations, immigration and customs laws, investigative techniques, searching databases, conducting interviews, executing search warrants, and making arrests with respect to criminal violations of United States Code.

2. As a Special Agent, one of my responsibilities is investigating drug trafficking organizations and associated money laundering methods. I have assisted with numerous investigations into violations of the Federal Controlled Substances Act and I am familiar with the provisions of Title 21 and 18 of the United States Code. I have been working drug trafficking cases since 2005.

**PURPOSE OF AFFIDAVIT**

3. I make this affidavit in support of an application for a search warrant for information associated with Facebook account identified with the following profile ("SUBJECT ACCOUNT"), that are stored at premises owned, maintained, controlled, or operated by Facebook, Inc., a social networking company, and provider of electronic communications and remote computing services,

headquartered at 1601 Willow Road, Menlo Park, CA 94025<sup>1</sup> (the “PROVIDER” or “FACEBOOK”).

Profile “[REDACTED]” account [REDACTED]

4. The information to be searched is described in the following paragraphs and in Attachment A, attached hereto and incorporated herein by reference. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Facebook to disclose to the government copies of records and other information in its possession (including the content of communications) described in Section II of Attachment B, attached hereto and incorporated herein by reference. Upon receipt of the information described in Section II of Attachment B, law enforcement agents and/or individuals assisting law enforcement and acting at their direction will review that information to locate the items described in Section III of Attachment B.

5. As described more fully below, I respectfully submit there is probable cause to believe that the information associated with the SUBJECT ACCOUNT constitutes evidence or instrumentalities of criminal violations of 21 U.S.C. §§ 841 and 846 – Conspiracy to Possess With Intent to Distribute a Controlled Substance and 18 U.S.C. § 1956 – Money Laundering.

### **SUMMARY OF INVESTIGATION**

6. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of United States Code are located within the SUBJECT ACCOUNT.

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<sup>1</sup> Because this Court has jurisdiction over the offenses being investigated, it may issue the warrant to compel the PROVIDER pursuant to 18 U.S.C. §§ 2703(a), (b)(1)(A), (c)(1)(A). See 18 U.S.C. §§ 2703(a) (“A governmental entity may require the disclosure by a provider . . . pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure . . . by a court of competent jurisdiction”) and 2711 (“the term ‘court of competent jurisdiction’ includes -- (A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that -- (i) has jurisdiction over the offense being investigated; (ii) is in or for a district in which the provider of a wire or electronic communication service is located or in which the wire or electronic communications, records, or other information are stored; or (iii) is acting on a request for foreign assistance pursuant to section 3512 of this title”).

7. HSI Sioux Falls, IRS, U.S. Postal Inspection Service and the Sioux Falls Area Drug Task Force (SFADTF) have been investigating an international methamphetamine Drug Trafficking Organization (DTO) responsible for sending bulk methamphetamine from California to South Dakota. To date, this investigation has seized approximately 42lbs of methamphetamine in Sioux Falls, SD.

8. Through post Miranda interviews, [REDACTED] was identified as a DTO participant. [REDACTED] has been mentioned in multiple interviews as someone distributing methamphetamine.

9. On December 5, 2019, the SFADTF was conducting surveillance of [REDACTED] and observed a [REDACTED] displaying [REDACTED] license plate parked at [REDACTED] residence. Law enforcement eventually learned [REDACTED] was the driver of this vehicle. [REDACTED] was previously identified by the SFADTF as the intended recipient of 16lbs of methamphetamine seized by USPIS on [REDACTED]. The SFADTF subsequently followed [REDACTED] to an apartment complex located at [REDACTED], Sioux Fall, SD. It was learned later that [REDACTED] was visiting [REDACTED] at this complex.

10. On December 11, 2019, the SFADTF served a state search warrant at rooms [REDACTED], Sioux Falls, SD, to include [REDACTED] vehicle. The SFADTF seized 10.5lbs of methamphetamine, \$16,341 U.S. currency and a chrome Samsung cell phone belonging to [REDACTED], pursuant to the search. [REDACTED] was arrested on felony drug charges in violation of South Dakota Codified Law.

11. Members of the SFADTF listened to jail calls made by HENDRIX while incarcerated at the Minnehaha County Jail. Numerous calls were made to [REDACTED], utilized by [REDACTED]. During a December 12, 2019 call, a female believed to be [REDACTED] stated, "[REDACTED] I believe [REDACTED] was referring to the 10.5lbs of methamphetamine and \$16,341 seized from [REDACTED]."

12. In another call to [REDACTED] on December 12, 2019, [REDACTED] stated, "[REDACTED] was slow to respond, but stated the envelope was in the room (believed to be hotel room). [REDACTED] further stated a [REDACTED] owes [REDACTED] \$2,000 and [REDACTED] owes [REDACTED] \$6,000. [REDACTED] requested [REDACTED] collect the debts, to which [REDACTED] responded she would, and then turn them around. I believe [REDACTED] was referring to purchasing more methamphetamine for distribution to generate further proceeds.

13. On June 18, 2020, IRS SA Corey Vickery and I conducted a follow up proffer interview of [REDACTED] at HSI Sioux Falls. [REDACTED]

14. On June 24, 2020, Minnehaha County Sheriff's Office Detective Dan Christiansen and I conducted a proffer interview of [REDACTED] at HSI Sioux Falls. [REDACTED]

15. [REDACTED]

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

[REDACTED]

19. [REDACTED]

20. On September 17, 2020, Detective Christiansen and I conducted an interview of [REDACTED] at the Sioux Falls Law Enforcement Center. [REDACTED], hereafter [REDACTED], is the [REDACTED] of [REDACTED]. [REDACTED] have been married for 13 years, however [REDACTED]. [REDACTED] stated when [REDACTED] was approximately 17-18 years of age, [REDACTED] was arrested for 2 kilos of cocaine in Sioux Falls, SD and served prison time. [REDACTED] stated [REDACTED] was not a known drug user or distributor until September 2019.

21. [REDACTED]

22. [REDACTED]

23. [REDACTED] observed [REDACTED] arrive at [REDACTED] and [REDACTED] home and give [REDACTED] bags in the driveway. [REDACTED] stated [REDACTED]

24. In late November or early December 2019, [REDACTED] come home early from work and opened the garage door. [REDACTED] observed [REDACTED] and [REDACTED] in the garage [REDACTED]. [REDACTED] stated [REDACTED]

25. [REDACTED] stated [REDACTED]

26. [REDACTED] stated in December 2019, [REDACTED]

27. [REDACTED] observed [REDACTED] with bulk cash, which [REDACTED] sent to [REDACTED] via UPS. [REDACTED] told [REDACTED] the money was owed to [REDACTED] for gambling debts. [REDACTED] believed [REDACTED] may have sent packages to [REDACTED] from Texas, however, [REDACTED] never saw [REDACTED] with bulk amounts of drugs.

28. [REDACTED] became suspicious of [REDACTED] activities so [REDACTED] reviewed [REDACTED] Facebook messages. [REDACTED] stated she observed numerous drug related messages between [REDACTED] and [REDACTED], [REDACTED].

29. [REDACTED] confronted [REDACTED] and [REDACTED] told [REDACTED] that he was working for [REDACTED] to move drugs across state lines. [REDACTED] further stated [REDACTED]

30. On September 22, 2020, SA Vickery and I conducted a follow-up proffer interview of [REDACTED]. [REDACTED]

31. [REDACTED]

32. I conducted queries of Facebook for [REDACTED] profile and identified the SUBJECT ACCOUNT as "[REDACTED]" account [REDACTED].

33. Based on my training and experience, I know persons involved with drug trafficking often communicate with sources of supply and customers via social media messaging in order to elude detection by law enforcement.

34. Based on my training and experience I know persons involved with drug trafficking often create and use pseudonyms on social media in order to elude detection by law enforcement.

35. Based on my training and experience, I know that it is common for people involved in the sale, distribution and use of illegal drugs to keep records of their customers and suppliers, sometimes in electronic devices.

36. I know, based on my training and experience, that even if long-time drug traffickers stop distributing controlled substances, either voluntarily or under law enforcement pressure, these traffickers often retain in their possession many items with evidentiary value, including names, addresses and telephone numbers of associates; documents related to financial transactions; and other items as listed in this affidavit.

#### **TECHNICAL BACKGROUND REGARDING FACEBOOK**

37. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

38. Facebook asks users to provide basic contact information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

39. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, to all Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

40. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by

sending each user a “Friend Request.” If the recipient of a “Friend Request” accepts the request, then the two users will become “Friends” for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user’s account includes a list of that user’s “Friends” and a “News Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

41. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

42. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, a user’s “Photoprint” includes all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.

43. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient’s “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

44. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

45. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

46. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.



47. Facebook Pay is a money transfer service available to Facebook account holders. Facebook Pay funds are linked to payment sources provided by the Facebook account holder, including: Credit Cards, Debit Cards, and PayPal accounts. These payment sources are used to deposit and withdrawal money in and out of the Facebook Pay account.

48. Facebook Pay allows users to make payments on Facebook, Instagram, Messenger, and WhatsApp. Facebook account holders enter their payment account information into Facebook pay and then use Facebook pay to transfer money to various apps. Facebook pay can be used to transfer money between individuals and to make purchases from businesses and/or other entities.

49. Facebook Pay allows users to view payment history, manage payment information, and access customer support through Facebook. Facebook Pay is a service offered by Facebook.

50. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

51. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: friend lists; groups and networks of which the user is a member; "News Feed" information; "Wall" postings; "Notes"; status updates; links to videos, photographs, articles, and other items; event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

52. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

53. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Social networking

providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

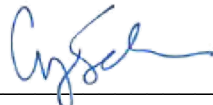
54. Therefore, the records of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and account applications for SUBJECT ACCOUNT.

**INFORMATION TO BE SEARCHED AND ITEMS TO BE SEIZED**

55. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

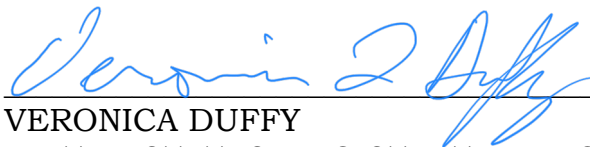
**CONCLUSION**

56. Based on the foregoing, I request that the Court issue the requested search warrant.



Craig Scherer, Special Agent  
Homeland Security Investigations

Sworn to telephonically on the 28<sup>th</sup> day of September, 2020.



VERONICA DUFFY  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A “REDACTED”**

**PROPERTY TO BE SEARCHED**

This warrant applies to information associated with the account identified as:

1. Profile “[REDACTED]” account [REDACTED]

stored at premises owned, maintained, controlled, or operated by Facebook, Inc., a company headquartered Menlo Park, CA.

**ATTACHMENT B “REDACTED”**

**PARTICULAR THINGS TO BE SEIZED**

**I. Information to be disclosed by Facebook for the time period August 1, 2019 to the present.**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for the user ID listed in Attachment A:

- (a) All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user

identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) Any and all Facebook Pay account holder information. Including, but not limited to personal identifying information, phone number, email address, mailing address;

- (n) Any and all payment sources linked to Facebook Pay accounts, including Credit Card information, Debit Card information, and PayPal information;
- (o) Facebook Pay transaction history, including but not limited to deposits into account, withdrawals from the account, payments made, payments received, transfers between individuals, purchases made from businesses and/or other entities;
- (p) Payment account information;
- (q) Payment History;
- (r) Any and all correspondence with Customer Support;
- (s) The types of service utilized by the user;
- (t) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (u) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (v) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 21 U.S.C. §§ 841 and 846 Conspiracy to Possess With Intent to Distribute a Controlled Substance and/or 18 U.S.C. § 1956 Money Laundering, involving SUBJECT ACCOUNT, and others, since the creation of the SUBJECT ACCOUNT, including information pertaining to the following matters:

- (a) Records relating to who created, used, or communicated with the accounts, including records about their identities and whereabouts;
- (b) Communications between SUBJECT ACCOUNT, and others not yet identified, regarding drug transactions, firearms, ammunition and financial transactions.
- (c) Information relating in any way to the transfer of money;
- (d) Information related to bank account records, wire transfer records, bank statements and records, money drafts, letters of credit, and financial transfers;
- (e) lists of customers and contacts and related identifying information;
- (f) types, amounts, and prices of drugs trafficked as well as dates, places, and amounts of specific transactions;
- (g) any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying

information);

- (h) any information recording schedule or travel;
- (i) Information pertaining to assets owned or under the control of the owners of the accounts being searched, including but not limited to Vehicle Identification Numbers (VINs), serial numbers and/or other identification numbers of assets;
- (j) Photographs and/or videos, in particular, photographs and/or videos of co-conspirators, assets, and for controlled substances.



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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In the Matter of the Search Regarding No. 4:20-mj-76

20-096-04

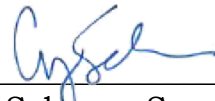
**APPLICATION FOR SEARCH AND  
SEIZURE WARRANT "REDACTED"**

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I, Craig Scherer, being duly sworn depose and say:

I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), and have reason to believe that within the Facebook account fully described in Attachment A, attached hereto and incorporated herein by reference, there is now concealed certain property, namely: that fully described in Attachment B, attached hereto and incorporated herein by reference, which I believe is property constituting evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses concerning violations of 21 U.S.C. §§ 841 and 846 and 18 U.S.C. § 1956.

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith.



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Craig Scherer, Special Agent  
Homeland Security Investigation

Subscribed and sworn to telephonically on the 28<sup>th</sup> day of September, 2020.



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VERONICA L. DUFFY  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A “REDACTED”**

**PROPERTY TO BE SEARCHED**

This warrant applies to information associated with the account identified as:

1. Profile “[REDACTED]” account [REDACTED]

stored at premises owned, maintained, controlled, or operated by Facebook, Inc., a company headquartered Menlo Park, CA.

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**PARTICULAR THINGS TO BE SEIZED**

**I. Information to be disclosed by Facebook for the time period August 1, 2019 to the present.**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for the user ID listed in Attachment A:

- (a) All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user

identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) Any and all Facebook Pay account holder information. Including, but not limited to personal identifying information, phone number, email address, mailing address;

- (n) Any and all payment sources linked to Facebook Pay accounts, including Credit Card information, Debit Card information, and PayPal information;
- (o) Facebook Pay transaction history, including but not limited to deposits into account, withdrawals from the account, payments made, payments received, transfers between individuals, purchases made from businesses and/or other entities;
- (p) Payment account information;
- (q) Payment History;
- (r) Any and all correspondence with Customer Support;
- (s) The types of service utilized by the user;
- (t) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (u) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (v) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 21 U.S.C. §§ 841 and 846 Conspiracy to Possess With Intent to Distribute a Controlled Substance and/or 18 U.S.C. § 1956 Money Laundering, involving SUBJECT ACCOUNT, and others, since the creation of the SUBJECT ACCOUNT, including information pertaining to the following matters:

- (a) Records relating to who created, used, or communicated with the accounts, including records about their identities and whereabouts;
- (b) Communications between SUBJECT ACCOUNT, and others not yet identified, regarding drug transactions, firearms, ammunition and financial transactions.
- (c) Information relating in any way to the transfer of money;
- (d) Information related to bank account records, wire transfer records, bank statements and records, money drafts, letters of credit, and financial transfers;
- (e) lists of customers and contacts and related identifying information;
- (f) types, amounts, and prices of drugs trafficked as well as dates, places, and amounts of specific transactions;
- (g) any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying

information);

- (h) any information recording schedule or travel;
- (i) Information pertaining to assets owned or under the control of the owners of the accounts being searched, including but not limited to Vehicle Identification Numbers (VINs), serial numbers and/or other identification numbers of assets;
- (j) Photographs and/or videos, in particular, photographs and/or videos of co-conspirators, assets, and for controlled substances.

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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In the Matter of the Search Regarding No. 4:20-mj-76

20-096-04

**SEARCH AND SEIZURE WARRANT**  
**"REDACTED"**

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TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

An application by a federal law enforcement officer or an attorney for the government requests the search of a Facebook account fully described in Attachment A, attached hereto and incorporated herein by reference.

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the property described above, and that such search will reveal evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses concerning violations of 21 U.S.C. §§ 841 and 846 and 18 U.S.C. § 1956, as fully described in Attachment B, attached hereto and incorporated herein by reference.

**YOU ARE COMMANDED** to execute this warrant on or before

10-12-2020 (not to exceed 14 days)

☒ in the daytime - 6:00 a.m. to 10:00 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the undersigned Judge.



☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized,

☐ for \_\_\_\_\_ days (*not to exceed 30*).

☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

9-28-2020 at 9:55 am CDT at Sioux Falls, South Dakota  
Date and Time Issued



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VERONICA L. DUFFY  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A “REDACTED”**

**PROPERTY TO BE SEARCHED**

This warrant applies to information associated with the account identified as:

1. Profile “[REDACTED]” account [REDACTED]

stored at premises owned, maintained, controlled, or operated by Facebook, Inc., a company headquartered Menlo Park, CA.

**ATTACHMENT B “REDACTED”**

**PARTICULAR THINGS TO BE SEIZED**

**I. Information to be disclosed by Facebook for the time period August 1, 2019 to the present.**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for the user ID listed in Attachment A:

- (a) All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user

identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) Any and all Facebook Pay account holder information. Including, but not limited to personal identifying information, phone number, email address, mailing address;

- (n) Any and all payment sources linked to Facebook Pay accounts, including Credit Card information, Debit Card information, and PayPal information;
- (o) Facebook Pay transaction history, including but not limited to deposits into account, withdrawals from the account, payments made, payments received, transfers between individuals, purchases made from businesses and/or other entities;
- (p) Payment account information;
- (q) Payment History;
- (r) Any and all correspondence with Customer Support;
- (s) The types of service utilized by the user;
- (t) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (u) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (v) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 21 U.S.C. §§ 841 and 846 Conspiracy to Possess With Intent to Distribute a Controlled Substance and/or 18 U.S.C. § 1956 Money Laundering, involving SUBJECT ACCOUNT, and others, since the creation of the SUBJECT ACCOUNT, including information pertaining to the following matters:

- (a) Records relating to who created, used, or communicated with the accounts, including records about their identities and whereabouts;
- (b) Communications between SUBJECT ACCOUNT, and others not yet identified, regarding drug transactions, firearms, ammunition and financial transactions.
- (c) Information relating in any way to the transfer of money;
- (d) Information related to bank account records, wire transfer records, bank statements and records, money drafts, letters of credit, and financial transfers;
- (e) lists of customers and contacts and related identifying information;
- (f) types, amounts, and prices of drugs trafficked as well as dates, places, and amounts of specific transactions;
- (g) any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying

information);

- (h) any information recording schedule or travel;
- (i) Information pertaining to assets owned or under the control of the owners of the accounts being searched, including but not limited to Vehicle Identification Numbers (VINs), serial numbers and/or other identification numbers of assets;
- (j) Photographs and/or videos, in particular, photographs and/or videos of co-conspirators, assets, and for controlled substances.

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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In the Matter of the Search Regarding

No. 4:20-mj-76

20-096-04

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**RETURN "REDACTED"**

Date and time warrant executed: \_\_\_\_\_

Copy of warrant and inventory left with: \_\_\_\_\_

Inventory made in the presence of: \_\_\_\_\_

Inventory of the property taken and name of any person(s) seized (attach additional sheets, if necessary):

<b>CERTIFICATION</b>
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.
<div style="text-align: right;">_____ Craig Scherer, Special Agent Homeland Security Investigation</div>